

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|---------------------------|---|------------------|
| MELVIN E. ALEXANDER, JR., |) | |
| |) | |
| Plaintiff, |) | |
| vs. |) | NO. CIV-10-673-D |
| |) | |
| LOGAN COUNTY, et al., |) | |
| |) | |
| Defendants. |) | |

ORDER AND JUDGMENT

Plaintiff, who appears *pro se*, brought this action pursuant to 42 U. S. C. § 1983. He alleges that his constitutional rights were violated during his confinement in a detention facility in Logan County, Oklahoma. Pursuant to 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Bana Roberts for initial proceedings.

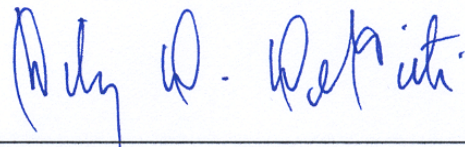
On August 11, 2010, Judge Roberts filed a Report and Recommendation [Doc. No. 13] in which she recommended that the Complaint be dismissed without prejudice because Plaintiff has failed to advise the Court of his current address and has not taken action to prosecute this case by failing to complete the required paperwork to effect service of process upon the defendants. As noted in the Report and Recommendation, several Court orders were mailed to Plaintiff at the last address he provided; however, all were returned with the notation that he is no longer detained at the Logan County facility. Plaintiff has not provided the Court with a change of address. His failure to do so violates the Local Civil Rules. *See* LCvR 5.4(a). Furthermore, as the Magistrate Judge concluded, Plaintiff's failure to provide a current address constitutes a failure to prosecute this action. Accordingly, she recommended that the action be dismissed without prejudice to the filing of a new action.

In the Report and Recommendation, Judge Roberts advised Plaintiff of his right to object to

the findings and conclusions set forth therein and scheduled an August 31, 2010 deadline for filing such objections. She also expressly cautioned Plaintiff that a failure to timely file objections would result in a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

The deadline for filing objections has expired, and Plaintiff has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No.13] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, this action is dismissed without prejudice.

IT IS SO ORDERED this 9th day of September, 2010.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE